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Re: Application No.: **09/838,378** Attorney Docket No: **AUS920010002US1**	
Date: Thursday, December 16, 2004	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Day et al.**

Serial No.: **09/838,378**

Filed: **April 19, 2001**

For: **Method, Apparatus, and Program for Associating Successive Repointing of a Browser's Load Function with Navigational Links in Web Pages**

§ Group Art Unit: **2173**
§
§ Examiner: **Pillai, Namitha**
§
§ Attorney Docket No.: **AUS920010002US1**
§

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By: Amelia C. Turner
Amelia C. Turner

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Commissioner for Patents
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Sir:
TRANSMITTED HEREWITH:

- Appeal Brief (37 C.F.R. 41.37).

A fee of $500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

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Docket No. AUS920010002US1 *PATENT*

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Examiner: **Pillai, Namitha**

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By: Amelia C. Turner
Amelia C. Turner

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on October 29, 2004.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-6, 8-14, 16-21, and 23-25

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 7, 15, and 22
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1-6, 8-14, 16-21, and 23-25
4. Claims allowed: NONE
5. Claims rejected: 1-6, 8-14, 16-21, and 23-25

C. CLAIMS ON APPEAL

The claims on appeal are: 1-6, 8-14, 16-21, and 23-25

STATUS OF AMENDMENTS

There are no amendments after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 9, 24, and 25:

The presently claimed invention provides a method, apparatus, and computer program product, in a data processing system, for navigation between pages within a series of pages. The present invention receives a page that is a current page within a series of linked pages. See specification, page 13, lines 10-22. The present invention identifies a series link that references a contiguous page within the series of pages and automatically associates a series link control with the series link. See specification, page 13, line 23, to page 14, lines 1 and 10-15; page 16, lines 21-24. Examples of identifying a series link are provided in the specification on page 14, line 16, to page 16, line 12; page 18, lines 6-13. Examples of series links are shown at **452**, **454** in **Figure 4** and examples of series link controls are shown at **502**, **504**, **506** in **Figure 5**.

The means recited in independent claim 9, as well as dependent claims 10-14 and 16, may be data processing hardware within client 101 operating under control of software performing the steps described in the specification at page 13, line 10, to page 16, line 24; page 18, line 6, to page 19, line 3, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium given **Figure 8** and the corresponding description at page 18, line 6, to page 19, line 3, without undue experimentation.

Independent claim 17:

In addition to the above, the present invention may also present an apparatus for navigation between pages within a series of pages. A communications module, for example 710 in Figure 7 or equivalent, receives a document that is a current page in a series of pages and includes a link to a contiguous page in the series of pages. A link discovery module, for example 750 in Figure 7 or equivalent, identifies a series link in the current page that references a contiguous page within the series of pages and automatically associates a series link control with the series link. See specification, page 13, line 23, to page 14, lines 1 and 10-15; page 16, lines 21-24.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection on appeal are as follows:

Claims 1-6, 8-14, 16-21, and 23-25 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *Wittenburg et al.* (U.S. Patent No. 6,515,656).

ARGUMENT

I. 35 U.S.C. § 102, Alleged Anticipation of Claims 1-6, 8-14, 16-21, and 23-25

The Final Office Action rejects claims 1-6, 8-14, 16-21, and 23-25 under 35 U.S.C. § 102 as being anticipated by *Wittenburg et al.* (U.S. Patent No. 6,515,656). This rejection is respectfully traversed.

Wittenburg teaches synchronized spatial-temporal browsing of images for assessment of content. A hierarchical data file **20** references a plurality of multimedia files **24**. A translational tool **26** converts the information in the hierarchical data file **20** into a user interface for displaying the multimedia data files in a manner similar to flipping pages. See *Witenburg*, col. 4, lines 5-49; col. 7, line 58, to col. 8, line 60.

In contradistinction, the present invention allows a user to navigate among pages within a series of linked pages. Computer users that browse Web content often encounter series of pages that are linked together. To navigate among the series of linked pages, the user must locate a link from each page to the next or previous page. The user must then move the mouse cursor to that link and select the link. The present invention solves the disadvantages associated with typical browsing techniques by automatically associating a series link control with a link to a contiguous page within a series of pages. Claim 1 recites:

> 1. A method, in a data processing system, for navigation between pages within a series of pages, comprising:
>
> receiving a document, wherein the document comprises a current page within a series of pages and wherein each page within the series of pages includes a link to a contiguous page within the series of pages;
>
> responsive to receiving the document, identifying a series link in the current page, wherein the series link references a contiguous page within the series of pages; and
>
> responsive to a series link being identified in the current page, automatically associating a series link control with the series link, wherein activation of the series link control results in navigation to the contiguous page referenced by the series link.

Wittenburg does not teach or fairly suggest the claimed features, particularly as recited, in combination, in claim 1.

More particularly, with respect to the individual claim limitations, *Wittenburg* does not teach or suggest receiving a document that is one of a series of pages wherein each page within

the series of pages includes a link to a next or previous page within the series of pages, as recited in claim 1. Rather, the multimedia files in *Wittenburg* are image files, video files, audio files, or the like. *Wittenburg* does not teach or suggest that the multimedia files include a link to a next page or a previous page in a series of pages. Rather, the multimedia files of *Wittenburg* are organized using a separate hierarchical data file. Therefore, while *Wittenburg* does allow a user to navigate a plurality of multimedia files, *Wittenburg* does not solve the same problem that is addressed by the present invention. Thus, it follows that *Wittenburg* also does not solve the problem in the same manner or achieve the same result.

The Final Office Action alleges that *Wittenburg* teaches receiving a document that is a current page within a series of pages in col. 9, lines 60-63. The cited portion of *Wittenburg* reads as follows:

> The user interface of **FIG. 6** may generally be described as a slide show presentation by which the user may begin a multimedia presentation associated with the first item in the menu area **62**.

While *Wittenburg* does teach that multimedia files may be presented as a slide show, there is no teaching in *Wittenburg* of a series of pages wherein each page in the series of pages includes a link to a contiguous page in the series of pages. Thus, *Wittenburg* may teach presenting a multimedia data file as a current file in a presentation display area, but not a current page in a series of linked page, as claimed and, more particularly, as recited in combination with the other claim features.

The Final Office Action states:

> With respect to Applicant's arguments that Wittenburg does not disclose receiving a document that is one of a series page wherein each page within the series of pages includes a link to a next or previous page within the series of pages. Wittenburg discloses web sites, wherein these web sites contain a series of documents that are linked and represented as the web pages, wherein in Wittenburg, web pages can represent the documents referred to in the claims.

Final Office Action, dated September 24, 2004. Appellants respectfully disagree. *Wittenburg* only teaches that the pages are multimedia files, such as image files, video files, audio files, or the like. While these pages may be represented as Web pages, there is no teaching in *Wittenburg* that one multimedia file links to another multimedia file. Furthermore, what the pages of

Wittenburg can represent when the reader is given the benefit of Appellant's own disclosure is not at issue. What is at issue is whether or not *Wittenburg* anticipates the claimed invention. Appellants maintain that *Wittenburg* does not teach or suggest that the multimedia files include a link to a next page or a previous page in a series of pages, because the multimedia files of *Wittenburg* are organized using a separate hierarchical data file rather than each file including a link to another file in the series.

The Final Office Action also states:

> There is clearly a link between these pages, wherein the link is illustrated through the user controls displayed that would allow for the user to traverse to the previous or next pages within the series of pages.

Final Office Action, dated September 24, 2004. Appellants respectfully disagree. The multimedia files of *Wittenburg* are organized using a separate hierarchical data file; therefore, it is clearly unnecessary for each page to include a link to a contiguous page in the series. In *Wittenburg*, the user is able to traverse to a previous or next page by use of the hierarchical data file.

The Final Office Action also alleges that *Wittenburg* teaches identifying a series link in the current page (multimedia file), wherein the series link references a next or previous page within the series of pages in reference number **66** of **Figure 6**. The cited drawing from *Wittenburg* is reproduced as follows:

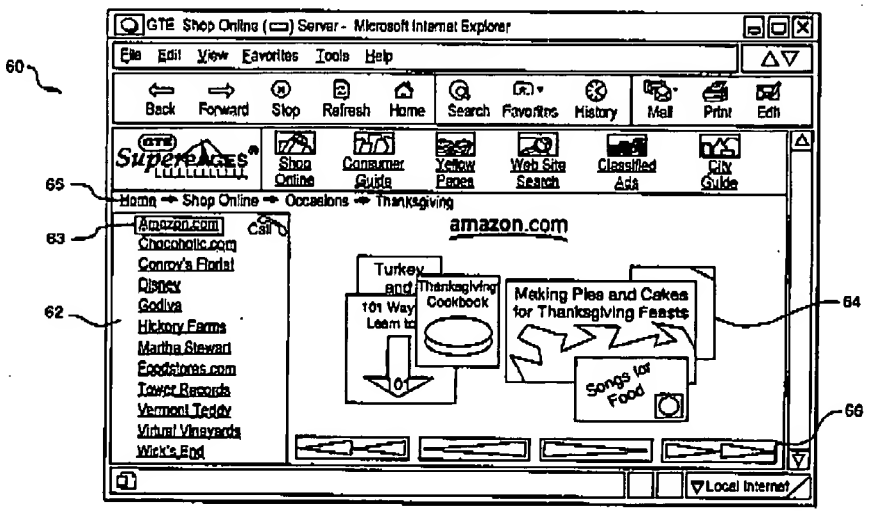

FIG. 6

As described in the applied reference, the user may control presentation of multimedia data in presentation area **64** using control area **66**. See *Wittenburg*, col. 6, line 63, to col. 7, line 7. However, there is no teaching in *Wittenburg* that the multimedia files (current page) include a series link to a next page or previous page in a series of pages, as recited in claim 1. The Office Action proffers no analysis as to why a control area for controlling presentation of multimedia files is somehow equivalent to identifying a series link **in the current page**, where the series link references a contiguous page in a series of pages.

The Final Office Action further states:

> With respect to Applicant's arguments that Wittenburg does not teach that the multimedia files include links. The "multimedia files" referred to by Applicant has [sic.] been interpreted by the Examiner has [sic.] documents, wherein as shown in Figure 6, these documents are web pages and as further shown these documents include links (reference number 66).

Final Office Action, dated September 24, 2004. Apparently, the Office Action interprets the link shown as **66** in **Figure 6** of *Wittenburg* to be both the series link and the series link control. Appellants note that **Figure 6** illustrates a user interface for browsing the multimedia files. The user interface of **Figure 6** is not itself one of the multimedia files. Therefore, the control shown as **66** cannot be interpreted to be a link in one of the pages within a series of pages. Certainly, the control shown as **66** cannot be interpreted to be both the series link **and** the series link control.

Furthermore, the Final Office Action alleges that *Wittenburg* teaches associating a series link control with the series link in col. 8, lines 1-7. The cited portion of *Wittenburg* states:

> The user may control the speed or direction in which the images or other multimedia data which correspond to various items listed in the menu area **62** are displayed to the user. For example, as will be described in paragraphs that follow, control display 66 includes buttons which provide for backward and forward review of the multimedia data presented in the presentation area **64**.

While the cited portion does indeed teach button controls that may be used to control presentation of multimedia data, there is no teaching in *Wittenburg* of associating a control with a series link **in a current page** that references a contiguous page in a series of pages, as recited, in combination, in claim 1. The Office Action proffers no analysis as to why a control display for controlling presentation of images or other multimedia data is somehow equivalent to

associating a series link control with a series link **in the current page**, where the series link references a contiguous page in a series of pages.

The applied reference fails to teach or suggest each and every claim limitation; therefore, *Wittenburg* does not anticipate claim 1. Because the Office Action does not point out where each and every feature is taught or explain why the cited teachings are interpreted to be equivalent to the claim limitations, the Office Action does not establish a *prima facie* case of anticipation for claim 1. Independent claims 9, 17, 24, and 25 recite subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Since claims 2-6, 8, 10-14, 16, 18-21, and 23 depend from claims 1, 9, and 17, the same distinctions between *Wittenburg* and the invention recited in claims 1, 9, and 17 apply for these claims. Additionally, claims 2-6, 8, 10-14, 16, 18-21, and 23 recite other additional combinations of features not suggested by the reference.

Furthermore, *Wittenburg* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Wittenburg* actually teaches away from the presently claimed invention because it teaches using a separate hierarchical data file to organize multimedia data, as opposed to receiving a series of linked pages, as in the presently claimed invention.

I.A. 35 U.S.C. § 102, Alleged Anticipation of Claims 2, 10, and 18

With respect to claims 2, 10, and 18, the Final Office Action alleges that *Wittenburg* teaches searching links in the current page for a keyword in col. 10, lines 20-24. The cited portion of *Wittenburg* states:

> In other words, the user is provided with context feedback information describing where at any particular time multimedia data in the presentation area is located relative to the menu items **72**.

Neither the cited portion, nor any other portion of *Wittenburg*, teaches or suggests searching links in a current page for a keyword, because *Wittenburg* does not teach that the multimedia data files include links. In other words, since *Wittenburg* does not teach or suggest multimedia data files that belong to a series of pages, where each page includes a link to a next page or previous page in the series, *Wittenburg* cannot teach identifying a series link by searching for a

keyword in the links of current page. The Office Action proffers no analysis as to why context feedback information is somehow equivalent to searching links in a document for a keyword. It follows that *Wittenburg* also fails to teach searching link text, graphic filename, alt text, and uniform resource locator of a link, as recited in claims 3 and 11.

I.B. 35 U.S.C. § 102, Alleged Anticipation of Claims 4, 5, 13, 19, and 29

With respect to claims 4, 5, 13, 19, and 29, the Office Action alleges that *Wittenburg* teaches searching a uniform resource locator for an ascending or descending number or an alphabetic sequence with respect to a uniform resource locator of a current page in col. 4, lines 60-63 and **Figure 2A**. However, **Figure 2A** of *Wittenburg* and the corresponding description in col. 4, lines 60-63 describe a hierarchical data file. This hierarchical data file is not a current page within a series of linked pages, as recited in the claims. Furthermore, the cited portion of *Wittenburg* makes no mention of searching for ascending or descending numbers or alphabetic sequences, as alleged in the Office Action. Because the Office Action does not point out where each and every feature is taught or explain why the cited teachings are interpreted to be equivalent to the claim limitations, the Office Action does not establish a *prima facie* case of anticipation for claims 4, 5, 13, 19, and 29.

I.C. 35 U.S.C. § 102, Alleged Anticipation of Claims 8, 16, and 23

With respect to claims 8, 16, and 23, the Office Action alleges that *Wittenburg* discloses associating the series link control with the series link comprises automatically placing the mouse pointer over the series link in col. 15, lines 37-43. Appellants respectfully disagree. The cited portion of *Wittenburg* states:

> Subsequently, movement away from the spatial area corresponding to the user control arrow stops the presentation. Generally, the mouse over the arrow button area serves as a trigger for starting a temporal sequence and the mouse leaving this predetermined area causes the presentation of the multimedia data items to cease. This is in direct contrast to prior designs which require mouse clicks, for example, indicating users selection to start and stop display.

While the cited portion of *Wittenburg* does teach that presentation of multimedia data is controlled by the user moving a mouse cursor with respect to a spatial area, *Wittenburg* does not

teach or suggest automatically placing the mouse pointer over the series link. In fact, *Wittenburg* explicitly calls the mouse pointer a "user control arrow." Thus, it is clear that movement of the user control arrow of *Wittenburg* is performed by a user. More particularly, *Wittenburg* does not teach or suggest automatically placing the cursor over the series link without intervention from a user, as recited in amended claims 8, 16, and 23.

CONCLUSION

In view of the above, Appellants respectfully submit that claims 1-6, 8-14, 16-21, and 23-25 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.

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